

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

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IN RE: ETHICON, INC., PELVIC REPAIR	:	
SYSTEM PRODUCTS LIABILITY LITIGATION	:	Master File No. 2:12-MD-02327
	:	
	:	MDL No. 2327

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	:	Hon. Joseph R. Goodwin, USDJ
THIS DOCUMENT RELATES TO ALL CASES	:	
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**MOTION TO INTERVENE TO SEEK STAY AND AMENDMENT OF PTO 190**

COMES NOW the movant, SciSafe, Inc. (“SciSafe”), by and through the undersigned counsel, and pursuant to Fed. R. Civ. P. 24 moves the court to permit intervention seeking a stay and amendment of Pretrial Order # 190 Regarding Pathology Protocol for Preservation and Testing of Explants and Tissue Samples Taken from Plaintiffs (“PTO 190”), entered August 12, 2015 in MDL 2327, *In re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation*.

Specifically, SciSafe, a medical evidence storage facility which is currently storing more than 250 explanted Ethicon mesh devices for more than 20 law firms, seeks authorization to continue acting as a third-party repository for said explanted materials and to be designated an approved third-party repository for all purposes in this litigation, adhering to all the same protocols set forth in PTO 190. As entered by the Court upon agreement and stipulation by the parties, PTO190 now requires that explanted materials – including those currently held in storage by SciSafe – be shipped to another repository in Florida, incurring additional costs to the parties, risk of loss or damage to the materials, and substantial injury to SciSafe’s business interests.

As set out more fully in the accompanying Certification and Memorandum of Law in

Support of this Motion, SciSafe is at least equally qualified (if not more so) to provide storage and retrieval services as the designated third-party repository, and in adhering to the same protocols set out in PTO 190 would not complicate any processes, while at the same time avoiding additional costs to the parties and risks to the stored materials. Accordingly, movant respectfully requests that the Court 1) GRANT its motion to intervene; 2) STAY the implementation of PTO 190 with respect to transfer of materials currently stored by SciSafe; and 3) AMEND PTO 190 to designate SciSafe an approved third-party repository for the storage and retrieval of explanted materials for all purposes in this litigation.

Respectfully submitted,

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Attorneys for Movant/Intervenor, SciSafe, Inc.

#### **CERTIFICATE OF SERVICE**

I hereby certify that on October 5, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this member case.

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